

Appl. No. 10/022,350
Amendment dated: December 22, 2004
Reply to OA of: November 22, 2004

REMARKS

Applicant has carefully considered the outstanding Official Action which holds the previous response as non-responsive in view of the presence of certain indentifiers. The Examiner states that the status identifiers for the claims appear to be incorrect. These identifiers are provided in accordance with the Examiner's requirement which indicates the withdrawn claims. Therefore, the identifiers are consistent with the withdrawn claims set forth in the Official Action of May 18, 2004.

However, in an effort to expedite the prosecution to an early allowance, Applicant has further amended claim 18 to not be dependent upon claim 1. The aspect of claim 18 has been examined by the Examiner and therefore claim 18 even though it refers to a withdrawn claim, in combination with the withdrawn claim is under consideration and is entitled to an examination on the merits. For this reason it is believed that the previous identifiers were correct.

Applicant believes that the restriction requirement is improper and has traversed the requirement pending a final determination for purposes of petition. Clearly, the inventions are not patentably distinct since the claims include the types of materials previously presented with respect to the Young's modulus.


Accordingly, it is now believed that withdrawal of the restriction requirement is proper, an examination on the merits is in order and the application contains claims directed to the elected invention.

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In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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